

## REMARKS

In the above referenced Office Action, claims 1-20 were rejected under 35 USC 102(e) as being anticipated by Kroll. Applicant respectfully traverses.

Various embodiments of the present invention relate to devices and methods that monitor indicators that may indicate a likely change in pacing thresholds. If such an indicator is detected, then a safety margin in anticipatorily increased. That is, there has not been a failure to capture at the current threshold setting; rather, events such as an arrhythmia may indicate that a threshold change could occur and a prophylactic increase in a safety margin is made.

For example, claim 1 recites monitoring for indicators of a likely increase in pacing threshold and increasing a safety factory if detected. This is opposed to Kroll which addresses standard threshold testing. If a pacing pulse fails to capture, then values are adjusted until capture is achieved. Likewise, periodic threshold tests are performed and pacing parameters are determined. Based upon the detected necessary thresholds, various safety margins may be implemented.

Kroll does not teach or suggest modifying a safety margin of a pacing threshold test in the absence of a failure to capture or as a result of a pacing threshold test and thus, cannot anticipate the claim. As indicated, the presently claimed invention relates to methods and systems the detect parameters that could eventually lead to a change in a pacing threshold and thus, the safety margin is proactively modified without a failure to capture or the performance of a pacing threshold test. As indicated by certain later claims, subsequent to this action, the present system/ method may then conduct a threshold test and if appropriate revert to the earlier setting.

Applicant respectfully asserts that the present claims are in condition of for allowance and request notice of the same. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite

prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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